

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

IN RE:	)	
	)	
NEW SCHOONEBEEK DAIRY, LLC,	)	CASE NO. 09-34327-hcd
Debtor.	)	Chapter 11

**APPLICATION FOR ALLOWANCE OF ATTORNEY'S FEES**

Comes now the firm of Hammerschmidt, Amaral & Jonas, by R. William Jonas, Jr., and prays this court for entry of an Order approving fees and expenses to Hammerschmidt, Amaral & Jonas in connection with its services performed as counsel for New Schoonebeek Dairy, LLC, Debtor. The amount of fees and expenses which applicant seeks to have this court approve is \$20,698.76 as more fully described below. The applicable period for which this application is made is November 3, 2010 through March 22, 2011. In support of its application, HAMMERSCHMIDT, AMARAL & JONAS would show the court the following:

1. Applicant has been counsel for the Debtor since the filing of the Chapter 11 proceeding on behalf of New Schoonebeek Dairy, LLC, Debtor.

2. Services include several emails to the Trustee, various attorneys and client, telephone conferences with client and various attorneys, research, drafting pleadings, conferences with client and various attorneys, attendance at the hearings regarding plan confirmation, North Central Co-op claim, Rabo Cash Collateral Motion and approval of disclosure statement, preparation and attendance at the Cash Collateral Trial and preparation and attendance at hearing on Rabo's Emergency Motion.

3. Attached hereto as Exhibit "A" is an itemized summary of time spent by R. William Jonas, Jr. in this matter during the period covered by the application. The itemized summary reveals a total of 69.80 hours expended by counsel for the Debtor, R. William Jonas, Jr., whose time is charged by the firm at \$295.00 per hour. The net fees which applicant asks the Court to allow is a total of \$20,591.00. Out-of-pocket expenses were incurred during the reporting period for which applicant seeks reimbursement as

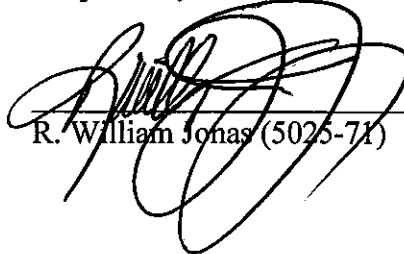
follows:

11/5/2010	Photocopies (54x6@\$.25)	\$81.00
11/5/2010	Postage (54@\$.44)	\$23.76
1/10/11	In.gov fees – UCC browse	3.00
	Total	\$107.76

4. No agreement exists whereby Hammerschmidt, Amaral & Jonas will share or has agreed to share any compensation received or to be received for its representation of the Debtor with any party other than its employees.

WHEREFORE, applicant prays that this court, after notice and hearing allow the sum of net fees which applicant asks the Court to allow totaling \$20,591.00 plus expenses and advances in the amount of \$107.76 for a total amount due from Debtor of \$20,698.76 as more fully set out in the exhibit hereto, and that the court allow said amount as an administrative expense payable through the Debtor's Chapter 11 Plan, and for such other and further relief as this court may deem just and proper.

Respectfully submitted,

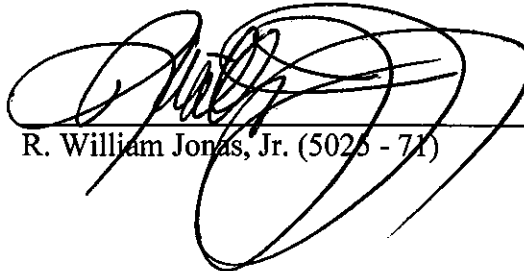


R. William Jonas (5025-71)

Attorney for Debtors  
Hammerschmidt, Amaral & Jonas  
137 N. Michigan Street  
South Bend, IN 46601  
574-282-1231

**Certificate of Service**

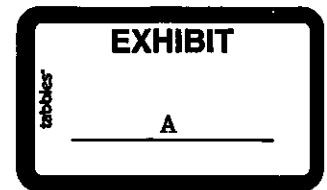
The undersigned hereby certifies that a true and correct copy of the foregoing document was sent to: Nancy Gargula, Office of the United States Trustee, One Michiana Square, 100 East Wayne Street, Rm 555, South Bend, IN 46601 by first-class mail, postage fully prepaid on this the 22<sup>nd</sup> day of March, 2011.



R. William Jonas, Jr. (5025 - 71)

Hammerschmidt, Amaral &amp; Jonas

137 N. Michigan St.  
 South Bend, IN 46601  
 Telephone 574-282-1231  
 Fax 574-282-1234



New Schoonebeek Dairy, LLC  
 7555 S 390 E  
 Wabash, IN 46992

Re: Insolvency

11/3/2010	Telephone conference with Attorney Kennedy regarding change of position from Rabo and their desire that Harry sell the herd and replace with leased cattle	0.50	\$147.50
11/5/2010	Email to client (.1); draft outline of statement to court for 11/9 hearing (.4)	0.50	\$147.50
11/9/2010	Prep for hearings (.8); Office conference with Harry Bekel (.9); conference with Attorney Grainger regarding North Central Co-op claim (.4); conference with Attorney Kennedy and Mr. Huizenga regarding Rabo plan treatment and cash collateral order (.7); hearing regarding plan confirmation, North Central Co-op claim, and Rabo cash collateral motion (.4); cash collateral continued to Feb. 8, 2011 at 1:30p.m.	3.20	\$944.00
11/16/2010	Review, revise and file monthly report	0.50	\$147.50
12/6/2010	Telephone conference with Linda Hepler regarding agreed order on cash collateral (.2); email to Attorney Kennedy regarding order and research regarding appropriate date for valuation of secured claim (petition date or date of plan of reorganization)(.2)	0.50	\$147.50
12/7/2010	Telephone conference with client regarding cow numbers, Rabo, Bekel Leasing and North Central Co-op	0.60	\$177.00
12/8/2010	Review schedules, claims of Rabo and North Central Co-op, adequate protection orders(.6); revise stipulation of facts for claims proceedings with North Central Co-op (.6); email to H. Bekel for review and approval (.1)	1.30	\$383.50
12/9/2010	Review facsimile from client with updated financial information; email to client regarding stipulation of facts for North Central Co-op claim	0.40	\$118.00
12/9/2010	Review and approve amended cash collateral order and letter to DFA regarding November true-up payment; email to client	0.50	\$147.50
12/21/2010	Work on North Central Co-op claim (.5); email to Attorney Kennedy (.1)	0.60	\$177.00
1/4/2011	Review email from Attorney Kennedy(.2); forward to client with inquiry regarding status of discussions with Bekel Leasing(.1)	0.30	\$88.50
1/10/2011	Research and write brief in support of objection to claim of North Central Cooperative Association, Inc.	5.30	\$1,563.50
1/13/2011	Email to client with copy of brief filed regarding NCC claim	0.30	\$88.50
1/25/2011	Telephone conference with Attorney Kennedy regarding cash collateral and plan issues	0.30	\$88.50
1/25/2011	Review Reply Brief of North Central Co-op; draft Reply Brief of New Schoonebeek Dairy	0.60	\$177.00

1/26/2011	Review Rabo's Renewed Motion for Order Prohibiting Further use of Cash Collateral	0.50	\$147.50
2/1/2011	Draft objection to NCC's petition to submit additional response	1.00	\$295.00
2/3/2011	Telephone conference with attorney Kennedy regarding hearing on cash collateral (.4); telephone conference with client (.2); telephone conference with counsel for cattle dealer (.2); revise disclosure statement (2.8)	3.60	\$1,062.00
2/7/2011	Revise Plan of Reorganization (1.5); review and revise amended disclosure statement(1.2); email to KRH regarding remaining tasks in completion of amended disclosure statement (.1);	2.80	\$826.00
2/7/2011	Telephone conference with Harry Bekel regarding hearing for 2/8 (.4); telephone call to Attorney Kennedy (.3)	0.70	\$206.50
2/7/2011	Preparation for cash collateral hearing (1.7); review motion and prior orders (.5); review relevant legal standard under 363(a), (e) and case law (.5)	2.70	\$796.50
2/8/2011	Preparation and trial on cash collateral motion	6.40	\$1,888.00
2/11/2011	Review court's order of Feb 7 regarding NCC request to submit additional evidence and argument (.2); telephone conference with client regarding order, brief due 2/14 and need for copies of checks showing payments to NCC by New Schoonebeek Dairy LLC (.4); draft supplemental brief (3.8)	4.40	\$1,298.00
2/13/2011	Research and draft Supplemental Brief (5.8); email with Harry Bekel to confirm facts and draft affidavit of Harry Bekel to attach to supplemental brief (.5)	6.30	\$1,858.50
2/14/2011	Revise Brief (.6); prepare and attach exhibits to affidavit of Harry Bekel and prepare for filing (.6)	1.20	\$354.00
2/14/2011	Telephone conference with client regarding affidavit and need for notarized signature	0.20	\$59.00
3/10/2011	Review facsimile from client regarding cow numbers (.4); review voice mail from attorney Kennedy (.1); email to Harry Bekel asking for update on cow numbers, budget and status (.3)	0.80	\$236.00
3/11/2011	Review Rabo Emergency Motion to Restrict use of Cash Collateral (.2); email to Harry Bekel (.1); telephone conference with Attorney Kennedy (.9)	1.20	\$354.00
3/14/2011	Email correspondence with client regarding Rabo visit and inspection of collateral, trial setting on emergency cash collateral motion	0.80	\$236.00
3/14/2011	Preparation for hearing on motion to approve disclosure statement; begin outline of proof for hearing on cash collateral	2.40	\$708.00
3/14/2011	Email correspondence with Attorney Kennedy regarding farm visit and collateral inspection	0.40	\$118.00
3/15/2011	Telephone conference with Attorney Walz regarding Ayres testimony at cash collateral trial (.4); email to client regarding Ayres testimony at trial (.2); to bankruptcy court for hearing on adequacy of disclosure statement (.4); conference with Attorney Walz and Asst. U.S. Trustee Edgar regarding issues for cash collateral trial (.5)	1.50	\$442.50
3/15/2011	Telephone conference with Attorney Kennedy (farm visit by Husinga and appraiser is complete) regarding phone conference to discuss issues related to cash collateral motion	0.40	\$118.00
3/15/2011	Outline evidence for cash collateral hearing	1.20	\$354.00

3/15/2011	Review email from Harry Bekel regarding evidence for cash collateral hearing and reply to same	0.30	\$88.50
3/17/2011	Draft objection to emergency motion of Rabo Agrifinance to outline evidence for 3/22/11 hearing	1.50	\$442.50
3/18/2011	Telephone conference with Attorney Kennedy regarding bank stance on cash collateral (.3); email to Harry Bekel regarding requested information (.1)	0.40	\$118.00
3/18/2011	Telephone conference with Attorney Kennedy (.3); email to Harry Bekel regarding meeting prior to hearing on 3/22 (.2); email to Harry Bekel regarding evidence and February monthly report (.3); work on evidence for hearing on cash collateral (2)	2.80	\$826.00
3/20/2011	Work on evidence for cash collateral hearing	2.00	\$590.00
3/21/2011	Revise objection to Rabo's Emergency Motion (.8); email to client regarding objection and evidence (.3); work on graphic presentation of evidence for cash collateral hearing (.9)	2.00	\$590.00
3/21/2011	Voicemail from Assistant U.S. Trustee Alex Edgar (.1); reply to same with copies of objection and some evidence (.1); begin preparation of exhibits (1.2)	1.40	\$413.00
3/21/2011	Trial preparation	2.00	\$590.00
3/22/2011	Preparation; meeting with counsel for Rabo; hearing on Rabo's Emergency Motion	3.50	\$1,032.50
	R. William Jonas, Jr.	69.80	\$20,591.00
	For Professional Services Rendered	69.80	\$20,591.00
11/5/2010	Photocopies - Application for Allowance of Attorney fees 54 x 6 pages each @ \$.25 each		\$81.00
11/5/2010	Postage - Application for Allowance of Attorney fees 54 @ \$.44 each		\$23.76
1/10/2011	In.gov - SOS UCC browse		\$3.00
	Total Expenses		\$107.76
	Total Current Charges		\$20,591.00
	Balance Due		\$20,698.76

Terms: Net 30

A minimum service charge of \$5.00 or 1.5% per month (18%APR) will be added to all balances not paid within 30 days.